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PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/797,251	
	Filing Date	March 10, 2004	
	First Named Inventor	Carl R. Vanderschuit	
	Group Art Unit	Unknown	
	Examiner Name	Unknown	
Total Number of Pages in This Submission		Attorney Docket Number	9053-000070US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 1449 12 References Return Postcard
Remarks Express Mail No. EL 317349062US		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Anthony G. Fussner, 47,582 Harness, Dickey & Pierce, P.L.C.
Signature	
Date	May 6, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Typed or printed name	Anthony G. Fussner, 47,582		
Signature		Date	May 6, 2004

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EV 404052809 US



+PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/797,251
Filing Date: March 10, 2004
Applicant: Carl R. Vanderschuit
Group Art Unit: Unknown
Examiner: Unknown
Title: LIGHTED BALLOONS
Attorney Docket: 9053-00070US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION**

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. **COPIES**

A. ____ Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cross-referenced pending U.S. application listed below in Section IV, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. ____ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

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U.S. Serial Number

U.S. Filing Date

C. ☒ Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D. ____ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. If the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. ☒ Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. ☒ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. ☒ See the attached foreign patent office communication from a counterpart foreign application.
2. ____ English translations are provided.
3. ____ Other:

C. ____ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. ____ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

A. ☒ 37 C.F.R. § 1.97(b): (check only one box)

1. ____ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. ____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. X before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. ____ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ____ **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. ____ See the certification below. No fee is required.

C. ____ **37 C.F.R. § 1.97(d):**

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ____ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. **CERTIFICATION UNDER 37 C.F.R. § 1.97(e):** (check only one box)

The undersigned hereby certifies that:

A. ____ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F. R. 1.704(d) below in section VII, if applicable; or

B. ____ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. ____ Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

____ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

A. ____ A check in the amount of \$180.00 is enclosed for the above-identified fee.

B. ____ Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

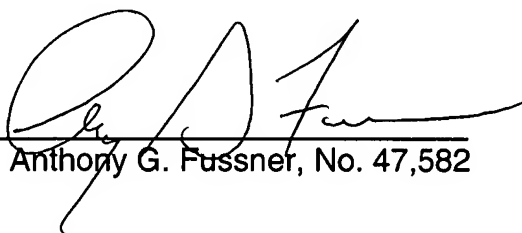
The attached Form HDP-1449 cites U.S. patent references for which Carl R. Vanderschuit is an inventor but that are not related to the instant application through a priority claim. Applicant presumes that the Examiner has access to the file histories of those references, and will review those file histories to the extent the Examiner feels they may be material to the patentability of the instant application. Upon the Examiner's request, Applicant can provide copies of the Office actions from these cited references to the extent Applicant has such documents in their possession.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: 5/6/04

By: 
Anthony G. Fussner, No. 47,582

HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, Missouri 63105
(314) 726-7500

AGF/dmkd



FORM PTO-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Sheet 1 of 3

ATTORNEY DOCKET NO.

SERIAL No.

9053-000070US

10/797,251

APPLICANT

Carl R. Vanderschuit

FILING DATE

GROUP

March 10, 2004

Unknown

U.S. PATENT DOCUMENTS

Ref. Desi	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		3,672,083	06/27/1972	Moran		
2.		4,292,999	10/06/1981	Szollmann		
3.		4,704,934	11/10/1987	Nosrati		
4.		4,736,281	04/05/1988	Neumeier		
5.		4,794,498	12/27/1988	Neumeier		
6.		4,932,915	06/12/1990	Boris et al		
7.		5,119,281	06/02/1992	Akman		
8.		5,117,344	05/26/1992	Perez		
9.		5,143,439	09/01/1992	Lewis et al		
10.		5,499,941	03/19/1996	Penjuka, Sr.		
11.		5,795,211	08/18/1998	Carignan et al		
12.		5,807,157	09/15/1998	Penjuka		
13.		5,846,118	12/08/1998	Wu		
14.		5,857,760	01/12/1999	Pelton		
15.		5,879,219	03/09/1999	Penjuka		
16.		5,947,581	09/07/1999	Schrimmer et al		
17.		6,106,135	08/22/2000	Zingale et al		
18.		6,142,415	11/07/2000	Ambrico		
19.		6,146,001	11/14/2000	Cwiakala		
20.		6,238,067	05/29/2001	Hirsch		
21.		6,371,638	04/16/2002	Zingale et al		
22.		6,416,198	7/9/2002	Vanderschuit		

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EV 404052809 US

FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 2 of 3	ATTORNEY DOCKET NO.	SERIAL NO.
	9053-000070US	10/797,251
	APPLICANT	
	Carl R. Vanderschuit	
	FILING DATE	GROUP
	March 10, 2004	Unknown

23.		U.S. published application No. 20030026088	2/6/2003	Vanderschuit		
24.		6,523,778	02/15/2003	Key et al		
25		U.S. pending application No. 10/341,239 entitled MOOD-ENHANCING ILLUMINATION APPARATUS		Vanderschuit		01/13/2003
26.		U.S. pending application No. 10/606,314 entitled LIGHTED HAT		Vanderschuit		06/25/2003
27.		U.S. pending patent application No. 10/606,324 entitled LIGHTING DEVICE		Vanderschuit		06/25/2003
28.		U.S. pending patent application No. 10/606,325 entitled LIGHTED HAT		Vanderschuit		06/25/2003
29.		U.S. pending application No. 10/786,995 entitled THERAPEUTIC DEVICES AND METHODS FOR APPLYING THERAPY		Vanderschuit		02/25/2004

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 3 of 3	ATTORNEY DOCKET NO.	SERIAL NO.
	9053-000070US	10/797,251
	APPLICANT	
	Carl R. Vanderschuit	
	FILING DATE	GROUP
	March 10, 2004	Unknown

FOREIGN PATENT DOCUMENTS							
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
30.		EP 0 231 471 A	08/12/1987	EP			X
31.		DE 299 18 185 U	01/20/2000	Germany			X
32.		CH 662 931 A	11/13/1987	Switzerland			X
33.		WO 93 18358 A	09/16/1993	PCT			X
34.		United Kingdom published patent application No GB 2 392 973 A	3/17/2004	GB			

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
35.		United Kingdom Combined Search and Examination Report dated January 6, 2004; Application No. GB 0326549.3; 4 pages
36.		Supplementary European Search Report dated March 1, 2004; App. No. EP 01 93 9305; 3 pages

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.